

**PROPOSED AMENDMENTS TO
HOUSE BILL 2537**

1 On page 1 of the printed bill, delete lines 4 through 27 and insert:

2 **“SECTION 1.** ORS 496.705 is amended to read:

3 **“496.705. (1)(a) Except as provided in paragraph (b) of this sub-**
4 **section,** the State Fish and Wildlife Commission may institute suit for the
5 recovery of damages for the unlawful taking or killing of any of the wildlife
6 referred to in subsection (2) of this section that are the property of the state.

7 **“(b) When any person is convicted of a violation of the wildlife laws**
8 **that subjects the person to a penalty under ORS 496.992 (9) or (10), the**
9 **commission shall institute suit for the recovery of damages for the**
10 **unlawful taking or killing of any of the wildlife referred to in sub-**
11 **section (2) of this section that are the property of the state.**

12 **“(2)(a)** The damages referred to in subsection (1) of this section are as
13 follows:

14 **“(A)** Each game mammal other than moose, mountain sheep, mountain
15 goat, elk, **black bear, cougar** or silver gray squirrel, or deer or antelope
16 described in subparagraphs [(D) and (E)] **(F) and (G)** of this paragraph,
17 **[\$1,000] \$5,000.**

18 **“(B)** Each moose, mountain sheep or mountain goat, other than those de-
19 scribed in subparagraphs [(F), (G) and] (H), **(I) and (J)** of this paragraph,
20 **[\$10,000] \$15,000.**

21 **“(C)** Each elk, other than those described in subparagraph [(I)] **(K)** of this
22 paragraph, **[\$1,500] \$5,000.**

1 “(D) Each black bear, \$15,000.
2 “(E) Each cougar, \$15,000.
3 “[(D)] (F) Each deer with at least four points on one antler, \$7,500.
4 “[(E)] (G) Each antelope with at least one horn equal to or greater than
5 14 inches, \$7,500.
6 “[(F)] (H) Each moose with antlers, \$25,000.
7 “[(G)] (I) Each mountain sheep that has at least one horn equal to or
8 greater than one half curl, \$25,000.
9 “[(H)] (J) Each mountain goat that has at least one horn equal to or
10 greater than six inches, \$25,000.
11 “[(I)] (K) Each elk with at least six points on one antler, \$15,000.
12 “[(J)] (L) Each silver gray squirrel, [\$20] **\$500**.
13 “[(K)] (M) Each game bird other than wild turkey[, \$20] **and sage**
14 **grouse, \$500**.
15 “[(L)] (N) Each wild turkey[, \$100] **or sage grouse, \$1,000**.
16 “[(M)] (O) Each game fish other than salmon, steelhead trout, halibut or
17 sturgeon, [\$10] **\$1,500**.
18 “[(N)] (P) Each sturgeon other than those specified in subparagraph
19 [(O)] (Q) of this paragraph, salmon, steelhead trout or halibut, [\$250]
20 **\$1,500**.
21 “[(O)] (Q) Each oversized sturgeon, as specified by the commission by
22 rule, **and each salmon or steelhead that is not fin clipped or otherwise**
23 **marked returning, [\$1,000] \$5,000**.
24 “[(P)] (R) Each fur-bearing mammal other than bobcat or fisher, [\$100]
25 **\$2,000**.
26 “[(Q)] (S) Each bobcat or fisher, [\$700] **\$3,000**.
27 “[(R)] (T) Each specimen of any wildlife species whose survival is speci-
28 fied by the wildlife laws or the laws of the United States as threatened or
29 endangered, [\$1,000] **\$10,000**.
30 “[(S)] (U) Each specimen of any wildlife species otherwise protected by

1 the wildlife laws or the laws of the United States, but not otherwise referred
2 to in this subsection, [~~\$50~~] **\$5,000**.

3 “[~~(T)~~] **(V)** Each bald eagle, golden eagle, goshawk, osprey, peregrine
4 falcon or any other raptor listed as a threatened species or an endangered
5 species by the commission by rule, [~~\$5,000~~] **\$10,000**.

6 “[~~(U)~~] **(W)** Each raptor except those specified in subparagraph [~~(T)~~] **(V)**
7 of this paragraph, [~~\$2,000~~] **\$5,000**.

8 “(b) For purposes of this subsection:

9 “(A) A point must be at least one inch, measured from the main beam of
10 the antler to the tip of the point.

11 “(B) Horn length must be measured from the base of the hairline to the
12 tip of the horn.

13 “**(3) In addition to the damages referred to in subsection (2) of this**
14 **section, a suit for the recovery of damages under this section may**
15 **include a claim for damages of \$5,000 for each unlawfully taken or**
16 **killed specimen of any wildlife species referred to in subsection (2) of**
17 **this section fitted with a tracking device by a state or federal agency.**

18 “[~~(3)~~] **(4)** In any such action, the court shall award to the prevailing
19 party, in addition to costs and disbursements, reasonable attorney fees.

20 “[~~(4)~~] **(5)** Such civil damages shall be in addition to other penalties pre-
21 scribed by the wildlife laws for the unlawful taking or killing of wildlife.

22 “[~~(5)~~] **(6)** Any circuit or justice court has jurisdiction to try any case for
23 the recovery of damages for the unlawful taking or killing of any of the
24 wildlife as provided by this section.

25 “**(7) Each taking or killing of a specimen of any wildlife species re-**
26 **ferred to in subsection (2) of this section constitutes a separate un-**
27 **lawful taking or killing for purposes of this section.**

28 “**(8) Subject to ORS 496.690, this section does not apply to the un-**
29 **intentional taking or killing of wildlife incident to an otherwise lawful**
30 **activity.”**

1 On page 2, delete lines 1 through 28.

2 In line 31, delete “is prima facie evidence” and insert “creates a
3 rebuttable presumption”.

4 On page 3, line 18, delete “Class C felony” and insert “Class A
5 misdemeanor”.

6 In line 21, after “(10)” insert “(a)”.

7 In line 27, delete “Class B felony” and insert “Class C felony”.

8 Delete lines 29 through 39 and insert:

9 “(11) If a person is convicted of a Class A misdemeanor under subsection
10 (9) of this section or a Class C felony under subsection (10) of this section,
11 in addition to any other penalty authorized by law, the court shall order the
12 State Fish and Wildlife Commission to revoke all licenses, tags and permits
13 issued to that person in the manner provided for in ORS 497.415 (3) and (6).
14 Notwithstanding any contrary provision of ORS 497.415, upon being subject
15 of a court order pursuant to this subsection for the first time, a person is
16 prohibited from applying for or obtaining another such license, tag or permit.

17 “(12) Upon the third conviction within a 10-year period for violation of
18 a provision of the wildlife laws, or a rule adopted pursuant to the wildlife
19 laws, the court shall order any and all guns, boats, traps, fishing apparatus
20 and implements used in angling, hunting or trapping or taking any wildlife
21 in committing the third or subsequent conviction to be seized and forfeited
22 to the State of Oregon, to be turned over to the State Fish and Wildlife
23 Commission for disposal in the manner provided for in ORS 496.680.”.

24 In line 40, delete “(12)” and insert “(13)” and restore the comma and de-
25 lete the colon.

26 In line 41, delete “(a)”.

27 Delete lines 42 through 45.

28 On page 4, delete “no person shall” and insert “a person may not”.

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